



March 23, 2007

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## ENGROSSED HOUSE BILL No. 1269

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DIGEST OF HB 1269 (Updated March 20, 2007 1:50 pm - DI 106)

**Citations Affected:** IC 9-13; IC 9-19; IC 9-21.

**Synopsis:** Headlights on motor vehicles when wipers in use. Provides that the operator of a motor vehicle who fails to display lighted head lamps and illuminating devices when weather conditions require the continuous operation of windshield wipers commits a Class D infraction. Provides that the bureau of motor vehicles may not assess points under the point system for such a violation, and that such a violation may not be included in a determination of habitual violator status. Prohibits a person from being stopped, inspected, or detained solely based on the person's failure to display lighted headlamps when weather conditions require the continuous operation of windshield wipers.

**Effective:** July 1, 2007.

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### Friend, Austin, Duncan, Welch

(SENATE SPONSORS — JACKMAN, LAWSON C)

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January 11, 2007, read first time and referred to Committee on Roads and Transportation.  
February 15, 2007, amended, reported — Do Pass.  
February 19, 2007, read second time, ordered engrossed. Engrossed.  
February 20, 2007, read third time, passed. Yeas 52, nays 41.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
March 22, 2007, amended, reported favorably — Do Pass.

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EH 1269—LS 6377/DI 103+



March 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1269

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-110.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 110.7. "Municipality" has the**  
4 **meaning set forth in IC 36-1-2-11.**

5 SECTION 2. IC 9-19-6-2 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The requirements in this  
7 chapter setting forth the distance from which certain lamps and devices  
8 are required to render objects visible or within which the lamps or  
9 devices are required to be visible apply:

- 10 (1) ~~during~~ **under the times circumstances** stated in IC 9-21-7-2;  
11 (2) with respect to a vehicle without load; and  
12 (3) when upon a straight, level, unlighted highway under normal  
13 atmospheric conditions;

14 unless a different time or condition is expressly stated.

15 (b) The mounted heights of lamps or devices required in this chapter  
16 are measured from the center of the lamp or device to the level ground  
17 upon which the vehicle stands when the vehicle is without a load.

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SECTION 3. IC 9-19-6-3 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A motor vehicle other than a motorcycle or motor-driven cycle must be equipped with at least two (2) head lamps, with at least one (1) of the head lamps on each side of the front of the motor vehicle. The head lamps must comply with this chapter.

(b) Except as provided in subsection (c), a motorcycle and motor-driven cycle must be equipped with ~~at least one (1) and not more than or~~ two (2) head lamps that comply with this chapter.

(c) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a head lamp if the motorcycle is not operated ~~at under the times when circumstances under which~~ lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A head lamp upon a motor vehicle, including a motorcycle and motor-driven cycle, must be located at a height measured from the center of the head lamp of ~~not less than at least~~ twenty-four (24) inches and not more than fifty-four (54) inches to be measured as set forth in section 2(b) of this chapter.

SECTION 4. IC 9-19-6-5 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsections (b) through (d), a new motor vehicle sold and operated upon a highway, other than a truck-tractor, must carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors.

(b) Except as provided in subsection (c), a motorcycle and motor-driven cycle must carry at least one (1) reflector meeting the requirements of this section.

(c) A motorcycle manufactured before January 1, 1956, is not required to carry a reflector under this section if the motorcycle is not operated ~~at under the times when circumstances under which~~ lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A vehicle of the type listed in section 7 of this chapter must be equipped with reflectors as required in those sections applicable to those vehicles.

(e) A reflector must be mounted on a vehicle at a height ~~not less than of at least~~ twenty (20) inches and not more than sixty (60) inches as measured in the manner set forth in section 2(b) of this chapter. Except as otherwise provided, a reflector must be of the size and characteristics and mounted so as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of

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1 head lamps.

2 SECTION 5. IC 9-19-6-6 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Except as provided in  
4 subsection (b), a person may not:

5 (1) sell; or

6 (2) drive on the highways;

7 in Indiana a motor vehicle, including a motorcycle or motor-driven  
8 cycle, unless the vehicle is equipped with at least one (1) stoplight  
9 meeting the requirements of section 17 of this chapter.

10 (b) A motorcycle manufactured before January 1, 1956, is not  
11 required to be equipped with a stoplight under subsection (a) if the  
12 motorcycle is not operated ~~at under the times when~~ **circumstances**  
13 **under which** lighted head lamps and other illuminating devices are  
14 required under IC 9-21-7-2.

15 (c) This subsection does not apply to a motorcycle or motor-driven  
16 cycle. A person may not:

17 (1) sell;

18 (2) offer for sale; or

19 (3) operate on the highways;

20 a motor vehicle, trailer, or semitrailer registered in Indiana and  
21 manufactured or assembled after January 1, 1956, unless the vehicle is  
22 equipped with mechanical or electrical turn signals meeting the  
23 requirements of section 17 of this chapter.

24 SECTION 6. IC 9-19-6-10 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A reflector upon  
26 a vehicle referred to in section 7 of this chapter must be of the size and  
27 characteristics and maintained so as to be readily visible at nighttime  
28 from all distances within six hundred (600) feet to one hundred (100)  
29 feet from the vehicle when directly in front of the lawful upper beams  
30 of head lamps. A reflector required to be mounted on the side of a  
31 vehicle must reflect the required color of light to the sides, and a  
32 reflector mounted on the rear must reflect a red color to the rear.

33 (b) A front or rear clearance lamp must be capable of being seen and  
34 distinguished under normal atmospheric conditions ~~at under the times~~  
35 **circumstances under which** lights are required under IC 9-21-7-2 at  
36 a distance of five hundred (500) feet from the front and rear,  
37 respectively, of the vehicle.

38 (c) A side marker lamp must be capable of being seen and  
39 distinguished under normal atmospheric conditions ~~at under the times~~  
40 **circumstances under which** lights are required under IC 9-21-7-2 at  
41 a distance of five hundred (500) feet from the side of the vehicle on  
42 which the side marker lamps are mounted.

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SECTION 7. IC 9-19-6-11, AS AMENDED BY P.L.1-2006,  
SECTION 161, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section does not apply  
to:

- (1) an implement of husbandry; or
- (2) a farm tractor;  
manufactured after June 30, 2006.

(b) A farm tractor and a self-propelled farm equipment unit or an implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway **under any of the circumstances set forth in IC 9-21-7-2(a)** and if not equipped with an electric lighting system, must ~~at all times required by IC 9-21-7-2~~ be equipped with the following:

- (1) At least one (1) lamp displaying a white light visible from a distance of not less than five hundred (500) feet to the front of the vehicle.
- (2) At least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of the vehicle.
- (3) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The lights required by this subsection must be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(c) A combination of farm tractor and towed unit of farm equipment or implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway **under any of the circumstances set forth in IC 9-21-7-2(a)** and if not equipped with an electric lighting system, must ~~at all times required by IC 9-21-7-2~~ be equipped with two (2) red reflectors that meet the following requirements:

- (1) Are visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.
- (2) Are mounted in a manner so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(d) A farm tractor and a self-propelled unit of farm equipment or an implement of agriculture designed to be operated primarily in a farm field or on farm premises, if operated on a highway **under any of the**

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1 **circumstances set forth in IC 9-21-7-2(a) and if** equipped with an  
 2 electric lighting system, must ~~at all times required by IC 9-21-7-2~~ be  
 3 equipped with the following:

4 (1) Two (2) single-beam or multiple-beam head lamps meeting  
 5 the requirements of section 20 or 21 of this chapter or  
 6 IC 9-21-7-9.

7 (2) Two (2) red lamps visible from a distance of not less than five  
 8 hundred (500) feet to the rear, or in the alternative one (1) red  
 9 lamp visible from a distance of not less than five hundred (500)  
 10 feet to the rear and two (2) red reflectors visible from a distance  
 11 of one hundred (100) feet to six hundred (600) feet to the rear  
 12 when illuminated by the upper beams of head lamps.

13 The red lamps or reflectors must be mounted in the rear of the farm  
 14 tractor or self-propelled implement of agriculture so as to indicate as  
 15 nearly as practicable the extreme left and right projections of the  
 16 vehicle on the highways.

17 (e) A combination of farm tractor and towed farm equipment or  
 18 towed implement of agriculture designed to be operated primarily in a  
 19 farm field or on farm premises, if operated on a highway **under any of**  
 20 **the circumstances set forth in IC 9-21-7-2(a) and if** equipped with an  
 21 electric lighting system, must ~~at all times required by IC 9-21-7-2~~ be  
 22 equipped as follows:

23 (1) The farm tractor element of each combination must be  
 24 equipped with two (2) single-beam or multiple-beam head lamps  
 25 meeting the requirements of section 20 or 21 of this chapter or  
 26 IC 9-21-7-9.

27 (2) The towed unit of farm equipment or implement of agriculture  
 28 element of each combination must be equipped with the  
 29 following:

30 (A) Two (2) red lamps visible from a distance of not less than  
 31 five hundred (500) feet to the rear, or as an alternative one (1)  
 32 red lamp visible from a distance of not less than five hundred  
 33 (500) feet to the rear.

34 (B) Two (2) red reflectors visible from a distance of one  
 35 hundred (100) feet to six hundred (600) feet to the rear when  
 36 illuminated by the upper beams of head lamps.

37 The red lamps or reflectors must be located so as to indicate as  
 38 nearly as practicable the extreme left and right rear projections of  
 39 the towed unit or implement on the highway.

40 (3) A combination of farm tractor and towed farm equipment or  
 41 towed implement of agriculture equipped with an electric lighting  
 42 system must be equipped with the following:

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(A) A lamp displaying a white or an amber light, or any shade of color between white and amber visible from a distance of not less than five hundred (500) feet to the front.

(B) A lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear.

The lamps must be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of that combination on the side of the road used by other vehicles in passing that combination.

(f) A farm tractor, a self-propelled farm equipment unit, or an implement of agriculture must not display blinding field or flood lights when operated on a highway.

(g) All rear lighting requirements may be satisfied by having a vehicle with flashing lights immediately trail farm equipment in accordance with IC 9-21-7-11.

SECTION 8. IC 9-19-6-12, AS AMENDED BY P.L.148-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section does not apply to:

(1) an implement of husbandry; or

(2) a farm tractor;

manufactured after June 30, 2006.

(b) A vehicle, including an animal-drawn vehicle and a vehicle referred to in IC 9-19-1-1 not specifically required by this article to be equipped with lamps or other lighting devices, must, ~~at all times required by IC 9-21-7-2,~~ **if operated under any of the circumstances set forth in IC 9-21-7-2(a),** be equipped with at least two (2) red reflectors visible from distances of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

SECTION 9. IC 9-19-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A motor vehicle may be equipped, and when required under this chapter must be equipped, with a stop lamp or lamps on the rear of the vehicle that:

(1) displays a red or an amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight;

(2) will be actuated upon application of the service (foot) brake; and

(3) may be incorporated with at least one (1) other rear lamp.

(b) A motor vehicle may be equipped and when required under this chapter must be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention

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to turn either to the right or left. If lamps are used for this purpose, the lamps showing to the front must be located on the same level and as widely spaced laterally as practicable and when in use must display a white or an amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred (100) feet to the front in normal sunlight. The lamps showing to the rear must be located at the same level and as widely spaced laterally as practicable and when in use must display a red or an amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight. When actuated the lamps must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. If mechanical signal devices are used for this purpose, the devices must be self-illuminated when in use ~~at~~ **under any of the times required by IC 9-21-7-2: circumstances set forth in IC 9-21-7-2(a).**

(c) A stop lamp or signal lamp or device may not project a glaring light.

SECTION 10. IC 9-19-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (b), a motorcycle operated on the streets or highways by a resident of Indiana must meet the following requirements:

(1) Be equipped with handlebars that rise not more than fifteen (15) inches above the level of the driver's seat or saddle, when occupied.

(2) Be equipped with brakes in good working order on both front and rear wheels.

(3) Be equipped with footrests or pegs for both operator and passenger.

(4) Be equipped with lamps and reflectors meeting the standards of the United States Department of Transportation.

(b) A motorcycle manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle is not operated ~~at~~ **under any of the times when circumstances under which** lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

SECTION 11. IC 9-21-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (b) and section 8 of this chapter, ~~each~~ **a vehicle upon on an Indiana highway must display lighted head lamps and other illuminating devices as required for the different classes of vehicles under this chapter when the vehicle is operated under the**

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1 following circumstances:

2 (1) Between the time from sunset to sunrise. ~~and~~

3 **(2) Whenever weather conditions require continuous**  
 4 **operation of windshield wipers on the windshield of a motor**  
 5 **vehicle.**

6 ~~(2)~~ (3) At any other time when, due to insufficient light or  
 7 unfavorable atmospheric conditions, persons and vehicles on the  
 8 highway are not clearly discernible at a distance of five hundred  
 9 (500) feet ahead.

10 must display lighted head lamps and other illuminating devices as  
 11 required for different classes of vehicles under this chapter.

12 (b) All lamp equipment required for vehicles described in IC 9-19-6  
 13 shall be lighted ~~at under the times mentioned~~ **circumstances set forth**  
 14 in subsection (a), except that clearance and sidemarker lamps are not  
 15 required to be lighted on a vehicle when the vehicle is operated within  
 16 a municipality if there is sufficient light to render clearly discernible  
 17 persons and vehicles on the highway at a distance of five hundred (500)  
 18 feet.

19 **(c) A person may not be stopped, inspected, or detained solely:**

20 **(1) based on a violation of subsection (a)(2); or**

21 **(2) to determine compliance with subsection (a)(2).**

22 SECTION 12. IC 9-21-7-13 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a) Except as**  
 24 **provided in subsection (b),** a person who violates this chapter  
 25 commits a Class C infraction.

26 **(b) A person who violates section 2(a) of this chapter commits**  
 27 **a Class D infraction.**

28 **(c) The bureau may not assess points under the point system for**  
 29 **a violation of section 2(a) of this chapter.**

30 **(d) A violation of section 2(a) of this chapter may not be**  
 31 **included in a determination of habitual violator status under**  
 32 **IC 9-30-10-4.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, after line 18, begin a new paragraph and insert:

**"(c) The failure to comply with subsection (a) or (b) does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.**

**(d) Except as provided in subsection (e), evidence of the failure to comply with subsection (a) or (b) may not be admitted in a civil action to mitigate damages.**

**(e) Evidence of a failure to comply with subsection (a) or (b) may be admitted in a civil action as to mitigation of damages in a product liability action involving:**

- (1) a windshield wiper system;**
- (2) head lamps; or**
- (3) other illumination devices.**

**(f) The defendant in an action described in subsection (e) has the burden of proving:**

- (1) noncompliance with subsection (a) or (b);**
- (2) that compliance with subsection (a) or (b) would have reduced injuries; and**
- (3) the extent that compliance with subsection (a) or (b) would have reduced injuries.**

SECTION 12. IC 9-21-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a) Except as provided in subsection (b), a person who violates this chapter commits a Class C infraction.**

**(b) A person who violates section 2(a) of this chapter commits a Class D infraction.**

**(c) The bureau may not assess points under the point system for a violation of section 2(a) of this chapter.**

**(d) A violation of section 2(a) of this chapter may not be included in a determination of habitual violator status under IC 9-30-10-4."**

and when so amended that said bill do pass.

(Reference is to HB 1269 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 9, nays 0.

EH 1269—LS 6377/DI 103+



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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 8, line 19, delete "The failure to comply with subsection (a) or (b) does not" and insert: "**A person may not be stopped, inspected, or detained solely:**

**(1) based on a violation of subsection (a)(2); or**

**(2) to determine compliance with subsection (a)(2)."**

Page 8, delete lines 20 through 37.

and when so amended that said bill do pass.

(Reference is to HB 1269 as printed February 16, 2007.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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